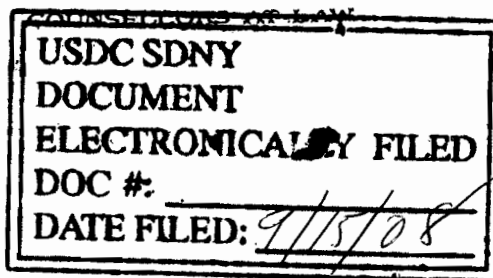


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LAZARUS

LAZARUS & LAZARUS, P.C.

240 MADISON AVENUE
NEW YORK, N.Y. 10016TELECOPIER
212-604-0314AREA CODE 212
669-7400TELEX
238790 NYK

September 11, 2008

Via By Facsimile &
Overnight Express Mail To:

HON. SHIRA A. SCHEINDLIN
United States District Court
Southern District of New York
500 Pearl Street, Room 1620
New York, New York 10007

Defendants request is hereby
granted. Trial is postponed
until January 26, 2009. The
back-up date of January 19, 2009 is
also eliminated. Under no circumstances
will this Court grant a further
adjournment. SO ORDERED.

Date: 9/12/08

A handwritten signature of Shira A. Scheindlin.
Shira A. Scheindlin, U.S.D.J.

Re: MALIBU TEXTILES, INC. v. CAROL ANDERSON, INC., CABI, LLC, PINK
VAN ENTERPRISES, LLC, AND CAROL ANDERSON
Index No.: 07cv4780 (SAS)

TRIAL DATE JANUARY 5TH, 2009

Honorable Madam:

We are the attorneys for the Defendants, Carol Anderson, Inc., CABI, LLC, Pink
Van Enterprises, LLC, and Carol Anderson ("Defendants").

A Conference was held before Your Honor on August 20, 2008 (the
"Conference"), at which point the Court set a Trial date of January 5, 2009.

At the time of the Conference I did not have my calendar available, and was not
mindful of the fact I had previously been set for a January 5th, 2009 Trial Date in a
matter pending in the United States District Court for the Western District of
Washington at Tacoma, captioned "Age Group, Ltd. v. Regal West Corporation d/b/a
Regal Logistics", Index number: 2:07-cs-01303-RSM ("Age Group v. Regal")
("Age/Regal Trial"), wherein my firm represents the Plaintiff, Age Group, Ltd. and I am

LAZARUS & LAZARUS, P.C.

lead trial counsel. It is anticipated that the Age/Regal Trial matter will last ten days.

The Age/Regal trial date was set in a Minute Order Setting Jury Trial and Pretrial Dates and Ordering Mediation, filed on February 14, 2008. I have attached a copy of the Minute Order for Your Honor's review.

We therefore, respectfully request that the Trial, presently scheduled before Your Honor for January 5, 2008, be adjourned to the next available date.

We have requested the consent of our adversary, who, as of this writing, has neither consented, nor objected to the request.

We appreciate Your Honor's attention regarding the above and look forward to the Court's response¹.

Respectfully Submitted,

Narlon M. Lazarus, Esq.

HML:cs

CC: Matthew Kaplan, Esq. & Nancy Wolff, Esq.
(via electronic mail)

¹ Due to medical reasons, I will be unavailable from Friday September 12, 2008 thru Monday, September 15, 2008.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AGE GROUP LTD,

Plaintiff(s),

v.

REGAL WEST CORPORATION, et
al.,

Defendant(s).

Case No. 2:07-cv-01303-BHS

MINUTE ORDER SETTING
JURY TRIAL AND PRETRIAL
DATES AND ORDERING
MEDIATION

NOW, on February 14, 2008, the Court directs the Clerk to enter the
following Minute Order:

I. TRIAL, PRETRIAL, AND MEDIATION DATES

TEN DAY JURY TRIAL set at 09:00 AM on	JANUARY 5, 2009
Deadline for the FILING of any motion to join parties	03/17/2008
Deadline for amending pleadings	03/26/2008
Disclosure of expert testimony under FRCP 26(a)(2)	06/30/2008
Disclosure of rebuttal expert testimony under FRCP 26(a)(2)	07/29/2008
All motions related to discovery must be FILED by	08/08/2008
Discovery COMPLETED by	09/08/2008

1	All dispositive motions must be FILED by	10/07/2008
2	Settlement conference per Local Rule CR 39.1(c)(2) HELD no later than	11/06/2008
3	Mediation per Local Rule CR 39.1(c) HELD no later than	12/08/2008
5	Letter of compliance as to Local Rule CR 39.1 FILED <i>A roster of Local Rule CR 39.1 mediators can be located on the Internet at www.wawd.uscourts.gov. If you do not have access to the Internet, please contact the Clerk's Office at (253) 882-3800.</i>	12/15/2008
8	Motions in limine should be FILED by and NOTED on the motion calendar no later than the second Friday thereafter	12/08/2008
10	Agreed pretrial order FILED with the Court by	12/12/2008
11	Pretrial conference will be HELD at 09:00 AM on (Counsel shall report to Courtroom E)	12/19/2008
13	Trial briefs, proposed voir dire, and jury instructions due	12/15/2008

14 If any of the dates identified in this order or the Local Civil Rules fall on a
 15 weekend or federal holiday, the act or event shall be performed on the next
 16 business day. These are firm dates that can be changed only by order of
 17 the Court.

18 If this case is not settled, it will go to trial on the date set or as soon
 19 thereafter as the Court is available.

21 **II. JURY INSTRUCTIONS**

22 A Manual of Model Civil Jury Instructions for the Ninth Circuit (latest
 23 edition) should be used as the format for proposed jury instructions. See
 24 www.wawd.uscourts.gov and Local Rule CR 51.

25 **III. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

26 Proposed findings of fact and conclusions of law need not be submitted

1 unless specifically requested by the Judge.

2
3 **IV. PRIVACY POLICY**

4 Pursuant to the General Order of the Court regarding Public Access to
5 Electronic Case Files (filed 5/29/03), parties are to redact the following
6 information from documents and exhibits before they are filed with the Court:

7 *Dates of Birth – redact to the year of birth

8 *Names of Minor Children – redact to the initials

9 *Social Security Numbers – redact to the last four digits

10 *Financial Accounting Information – redact to the last four digits

11 The General Order was issued pursuant to the official policy on privacy adopted
12 by the Judicial Conference of the United States. This order can be found on the
13 Court's website at www.wawd.uscourts.gov/ReferenceMaterials/index.htm.

14 All documents filed in the above-captioned matter must comply with the
15 Privacy Policy and the General Order.
16

17 **V. SETTLEMENT**

18 If this case is settled, please advise Rhonda Miller, Courtroom Deputy
19 to Judge Settle, immediately at (253) 882-3825.

20 The foregoing Minute Order was authorized by the THE HONORABLE
21 BENJAMIN H. SETTLE, UNITED STATES DISTRICT JUDGE.
22

23
24
25 /s/Rhonda Miller
26 Rhonda Miller
Courtroom Deputy